

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PRISION LEGAL NEWS,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY, AND ITS  
COMPONENT, IMMIGRATION AND  
CUSTOMS ENFORCEMENT,

Defendant.

CASE NO. 2:14-CV-479-BAT

ANSWER

Defendant United States Department of Homeland Security (“DHS” or “Defendant”) answers the Complaint filed by Plaintiff Prison Legal News as follows:

Defendant denies all allegations in the Complaint unless specifically admitted below.

**I. INTRODUCTION**

1. Defendant admits that on July 2013, Prison Legal News submitted a FOIA request to Immigration and Customs Enforcement (“ICE”). Paragraph 1 contains Plaintiff’s characterization of its FOIA request, which speaks for itself and contains the best evidence of its content, to which no

1 response is required. Defendant admits that ICE failed to provide documents in response to  
2 Plaintiff's FOIA request. Defendant denies all remaining allegations in Paragraph 1.

## 3 **II. PARTIES**

4 2. Defendant admits that Prison Legal News is a news publication. Defendant lacks  
5 sufficient information to admit or deny the allegations in Paragraph 2, and therefore denies those  
6 allegations.

7 3. Defendant admits that ICE is a component of DHS.

8 4. Defendant admits the allegations in Paragraph 4.

9 5. Defendant admits the allegation in Paragraph 5.

## 10 **III. JURISDICTION AND VENUE**

11 6. Paragraph 6 contains legal conclusions to which no response is required. To the  
12 extent a response is required, Defendant does not dispute jurisdiction.

13 7. Paragraph 7 contains legal conclusions to which no response is required. To the  
14 extent a response is required, Defendant does not dispute venue.

## 15 **IV. FACTUAL BACKGROUND**

16 8. Defendant lacks sufficient information to admit or deny the allegations in Paragraph  
17 8, and therefore denies those allegations.

18 9. Defendant lacks sufficient information to admit or deny the allegations in Paragraph  
19 9, and therefore denies those allegations.

20 10. Paragraph 10 contains legal conclusions to which no response is required.

21 11. Defendant lacks sufficient information to admit or deny the allegations in Paragraph  
22 11, and therefore denies those allegations.

1           12. Defendant lacks sufficient information to admit or deny the allegations in Paragraph  
2 12, and therefore denies those allegations.

3           13. Defendant admits that Prison Legal News submitted a FOIA request to ICE dated  
4 July 30, 2013. Paragraph 13 contains Plaintiff's characterization of its FOIA request, which speaks  
5 for itself and contains the best evidence of its content, to which no response is required. Defendant  
6 denies any remaining allegations.

7           14. Defendant lacks sufficient information to admit or deny the allegations in Paragraph  
8 14, and therefore denies those allegations.

9           15. Defendant admits that Prison Legal News sought a fee waiver pursuant to  
10 5 U.S.C. § 552(a)(4)(A)(ii)(II) and 5 U.S.C. § 552(a)(4)(A)(iii).

11           16. Defendant denies that an ICE FOIA officer received Plaintiff's FOIA request on  
12 August 5, 2013. Defendant admits that an ICE FOIA officer received Plaintiff's FOIA request on  
13 August 7, 2013. Defendant denies that ICE failed to respond to Defendant's FOIA request; ICE  
14 mailed an acknowledgment letter, acknowledging receipt of Plaintiff's FOIA request on  
15 August 7, 2013.

16           17. Defendant lacks sufficient information to admit or deny the allegations in the first  
17 sentence of Paragraph 17, and therefore denies those allegations. Sentences 2 and 3 of Paragraph 17  
18 include Plaintiff's characterization of a December 21, 2013 letter, which speaks for itself and  
19 contains the best evidence of its content, and to which no response is required. With respect to  
20 Sentence 3 of Paragraph 17, Defendant admits that a United States Postal Service certified mailing  
21 was received by ICE and signed for on December 30, 2013. Defendant denies that this letter was  
22 received by the ICE FOIA officer on December 30, 2013.

23           18. Paragraph 18 contains legal conclusions to which no response is required.

19. Defendant denies the allegations in Paragraph 19. ICE mailed an acknowledgment letter, acknowledging receipt of Plaintiff's FOIA request on August 7, 2013.

## V. CAUSE OF ACTION

20. Defendant incorporates it's responses to Paragraphs 1 through 19 above, and incorporates each response therein as though fully set forth herein.

21. Paragraph 21 contains legal conclusions to which no response is required.

22. Paragraph 22 contains legal conclusions to which no response is required.

23. Paragraph 23 contains legal conclusions to which no response is required.

24. Paragraph 24 contains legal conclusions to which no response is required.

## PRAYER FOR RELIEF

The remainder of Plaintiff's Complaint sets forth Plaintiff's prayer for relief, to which no response is required. To the extent that a response is required, Defendant denies the allegations and denies that Plaintiff is entitled to any relief.

Respectfully submitted,

JENNY A. DURKAN  
United States Attorney

/s/ Kayla Stahman

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It is further certified that on May 5, 2014, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participant(s):

I further certify that on May 5, 2014 I mailed by United States Postal Service the foregoing document to the following non-CM/ECF participant(s) / CM/ECF participant(s), addressed as follows:

Dated this 5<sup>th</sup> day of May, 2014.

/s/ Christine Kelly  
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